

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BENJAMIN ALLEN SWITEK,

Plaintiff,

Case No. 21-cv-12711

Hon. Matthew F. Leitman

v.

MIDLAND COUNTY JAIL, *et al.*,

Defendants.

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**ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF REPORT  
AND RECOMMENDATION (ECF No. 55) AND (2) GRANTING  
DEFENDANT’S MOTION FOR SUMMARY JUDGMENT (ECF No. 51)**

In this civil-rights action, *pro se* Plaintiff Benjamin Allen Switek filed several claims against Defendant Midland County and others arising out of his confinement at the Midland County Jail. (*See* Compl., ECF No. 1.) The Court previously dismissed all of Switek’s claims except for his claim that he was receiving inadequate medical care. (*See* Order, ECF No. 9.) On July 17, 2023, Midland County moved for summary judgment on that claim. (*See* Mot., ECF No. 55.) The motion was referred to the assigned Magistrate Judge. (*See* Order, ECF No. 12.)

On October 4, 2023, the Magistrate Judge issued a Report and Recommendation in which he recommended granting Midland County’s motion and dismissing Switek’s Complaint (the “R&R”). (*See* R&R, ECF No. 55.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted

to seek review of his recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.*, PageID.678-679.)

Switek has not filed any objections to the R&R. Nor has he contacted the Court seeking additional time to file objections. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). Likewise, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because Switek has failed to file any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge’s recommended disposition of Midland County’s motion for summary judgment is **ADOPTED**.

**IT IS FURTHER ORDERED** that Midland County’s motion for summary judgment (ECF No. 51) is **GRANTED** and Switek’s Complaint is **DISMISSED**.

**IT IS SO ORDERED.**

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: November 29, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 29, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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